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**SUBSTITUTE HOUSE BILL 3186**

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**State of Washington**

**58th Legislature**

**2004 Regular Session**

**By** House Committee on Commerce & Labor (originally sponsored by Representatives Hudgins, Conway, Romero and Hunt)

READ FIRST TIME 02/06/04.

1 AN ACT Relating to consumer knowledge of contact center operations;  
2 adding a new chapter to Title 19 RCW; and providing an effective date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that consumers  
5 increasingly use telephonic and electronic communications to purchase  
6 goods and services, inquire about their accounts, and obtain technical  
7 support or other information. Most telephonic and electronic customer  
8 service transactions are provided by customer service or sales  
9 representatives located in centralized contact centers. Many  
10 businesses do not operate their own customer sales and service  
11 operations, but contract with third party contact centers that  
12 misrepresent themselves as the businesses themselves. Contact centers  
13 may be subject to different privacy and security standards depending on  
14 their location. The legislature also finds that consumer rights when  
15 dealing with contact centers need greater protection. Consumers have  
16 a right to know who they have contacted, to know where they are  
17 located, to receive truthful information, and to engage in secure  
18 financial transactions. For these reasons, the legislature hereby

1 establishes standards governing contact centers to strengthen consumer  
2 rights to choose, to be informed, and to protect the privacy and  
3 security of their personal information.

4 NEW SECTION. **Sec. 2.** The definitions in this section apply  
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Contact center" means a physical or electronic operation that  
7 uses telephonic or electronic communications in one or more of the  
8 following activities: (a) Providing customer services, including  
9 information about customer accounts; (b) soliciting sales; (c)  
10 reactivating dormant accounts; (d) conducting surveys or research; (e)  
11 collecting receivables; (f) taking or receiving reservations; or (g)  
12 taking or receiving orders.

13 (2) "Location" means: (a) City, town, or other local jurisdiction;  
14 (b) state, province, or comparable jurisdiction; and (c) country.  
15 "Location" does not mean street address.

16 (3) "Personal information" means personally identifiable  
17 information that is provided by a person to a contact center, which  
18 includes, but is not limited to, a person's name, address, telephone  
19 number, electronic mail address, social security number, or credit or  
20 other financial information.

21 NEW SECTION. **Sec. 3.** At the request of a party using telephonic  
22 or electronic communications with an employee of a contact center, the  
23 employee must identify: (1) The name and location of his or her  
24 employer; and (2) if applicable, the name, location, and telephone  
25 number of the entity contracting with the contact center.

26 NEW SECTION. **Sec. 4.** An employee at a contact center may not  
27 solicit any personal information, whether using telephonic or  
28 electronic communications, unless the employee first informs the party  
29 that disclosing that information to the employee is optional and  
30 receives the affirmative consent of the party to whom the information  
31 relates.

32 NEW SECTION. **Sec. 5.** If an entity offering goods for sale in this  
33 state contracts with any contact centers:

1 (1) The terms of the contract must include a requirement that the  
2 contact center comply with sections 3 and 4 of this act; and

3 (2) The entity must disclose the locations of the contact centers  
4 in a notice to buyers. The notice must be printed in twelve-point type  
5 or larger, and must clearly and conspicuously set forth the locations  
6 of any contact centers.

7 NEW SECTION. **Sec. 6.** The legislature finds that the practices  
8 covered by this chapter are matters vitally affecting the public  
9 interest for the purpose of applying the consumer protection act,  
10 chapter 19.86 RCW. Violations of this chapter are not reasonable in  
11 relation to the development and preservation of business. A violation  
12 of this chapter is an unfair or deceptive act in trade or commerce and  
13 an unfair method of competition for the purpose of applying the  
14 consumer protection act, chapter 19.86 RCW.

15 NEW SECTION. **Sec. 7.** If any provision of this act or its  
16 application to any person or circumstance is held invalid, the  
17 remainder of the act or the application of the provision to other  
18 persons or circumstances is not affected.

19 NEW SECTION. **Sec. 8.** This act takes effect July 1, 2009.

20 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute  
21 a new chapter in Title 19 RCW.

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